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DEPARTMENT FOR INL
DOJ FOR OPDAT, CARL ALEXANDRE

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SUBJECT: SERBIA: TRIAL OF ALLEGED MUSLIM TERRORISTS CONTINUES

REFS: BELGRADE 167

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Summary

1. (SBU) Serbia's first domestic terrorism trial, in which the defendants are accused of planning attacks in Belgrade on sites including the U.S. Embassy, continues to work its way slowly through the judicial system. The case crept forward during two recent trial sessions and is scheduled to resume again in September. DOJ Office Belgrade continues to monitor the case and to provide assistance to local authorities. End Summary

Trial of Alleged Terrorists Continues

2. (U) After beginning the trial in February 2008 against 14 Muslim Serbian citizens accused of terrorism (reftel), the Belgrade Special Court continued with the case in April and June 2008 during two separate trial sessions. The defendants are all members of the Ahl-i Sunni movement, commonly referred to in the Serbian press as "Wahhabis." In the April 7-18 trial session the remaining eight defendants pled not guilty. After completion of the initial pleas, the prosecution presented several police witnesses who testified to the details of the 2007 police raid on the defendants' camp, their arrests and subsequent seizure of weapons, ammunition and other material.

3. (U) During the June 2-4 session, the prosecution continued with the testimony of police officers. The prosecution also brought forward Milan Veselinovic as a witness. Veselinovic is a former Serbian Radical Party member of parliament whose wife owns a hunting and military equipment store in the city of Novi Pazar. Veselinovic testified that one of the defendants, Jasmin Smailovic, came to the shop to inquire about weapons. Veselinovic could not confirm, however, whether Smailovic or any of the other defendants bought weapons.

4. (U) On June 4, the trial chamber released from custody two of the defendants after taking into account their old age and family situation. The deputy special prosecutor appealed the order, but the Supreme Court rejected the appeal. Since the conclusion of the June session, the other 12 defendants have remained in custody in Belgrade's Central Prison.

Key Witness Fails to Appear in Court

5. (SBU) The prosecution has thus far failed to present one of its key witnesses in the case, Chief Mufti of the Islamic Community in Serbia Muamer Zukorlic. After Zukorlic failed to appear on April 14, the trial chamber issued an arrest warrant but withdrew it when

he claimed security threats had prevented his appearance. Zukorlic told us on May 12 he would definitely appear at the June session. However, prior to the June session he informed the court that he would again be unable to appear due to his need to attend a religious meeting in Saudi Arabia. Defense lawyer Smrkovic told us on June 26 that Mufti Zukorlic had helped concoct the terrorism charges against his clients. According to Smrkovic, Zukorlic was evading appearing before the court due to this involvement in the case. Smrkovic assessed the prosecution would face a difficult task of proving guilt without Zukorlic's testimony.

Trial to Continue in September

¶6. (U) The next trial session is scheduled for September 9, when Mufti Zukorlic and others, including an expert witness on DNA analysis and another on military affairs, are to testify. On June 5, deputy special prosecutor Jovica Jovanovic told us that he would present video-tapes and other seized materials from the defendants' computers in the September session. He said he did not intend to present religious materials as evidence, in order to avoid instigating inter- and intra-religious tensions within Serbia.

Yet Another Indictment

¶7. (SBU) A separate terrorism investigation conducted in September 2007 (reftel) resulted in the indictment of four additional members of the Ahl-i Sunni movement in Serbia on March 12. The indicted included three Serbian citizens from the Sandzak region and one Kosovar Albanian. Investigators dropped charges against a fifth person due to a lack of evidence. Like the first group on trial, the four are charged with conspiracy to commit unconstitutional activities, terrorism, and illegal possession of weapons and explosive material. They will be tried by the same trial chamber. The investigation concluded that the two groups were related, but

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legal constraints make it impossible for the prosecution to try them under a single indictment. The prosecutor told us he expected this trial would start in fall 2008.

¶8. (SBU) Post continues to monitor both cases and to provide assistance to the prosecutor, including facilitating FBI assistance (analysis of the seized hard drives) and cooperation with the UNMIK prosecutor.

Comment

¶9. (SBU) The ongoing trial continues to test Serbia's ability to investigate and prosecute a complicated terrorism case based largely on circumstantial evidence. The prosecutor and police have worked to carry out this case in a professional manner thus far, recognizing the implications it might have for Serbia's vulnerable Muslim population. End Comment.

MUNTER